

REMARKS / ARGUMENTS

The specification has been amended to correct the error noted by the examiner on page 7, line 8.

Claim 12, line 2 and Claim 14, line 9 have been amended to correct typographical errors.

The substantive claim rejections are believed to be inadequate to reject any of the pending claims, and reconsideration of this rejection is requested. It is submitted that the O'Link reference cannot not be relied upon to reject any of the pending claims under 35 USC 103(a) or on any other basis.

The rejections are believed to be based upon an erroneous interpretation of the O'Link reference. According to the rejection of Claims 14-20, the bib 2 of O'Link has protrusions 20, which comprise floatation material extending beneath both side openings between the front portion of the enclosure and the rear portion of the enclosure. According to the O'Link disclosure "portions 20 and 22 are provided with quickly attached and released fastener devices 23 on their extended ends for releasably holding the portions 20 and 22 in overlapped relationship". Col 2, lines 38-41. The buoyant or floatation material of O'Link comprises element 18. Examination of Figure 4 of O'Link clearly shows that floatation material extends from the back of the device, but the portions 20 containing fastener devices are shown folded over and appear to be relatively flexible. Inspection of Figure 2 of O'Link appears to show that the floatation material 18 is bounded by a dashed or hidden line that does not extend rearward into the section 20, which also appears to be defined by a dashed or hidden line. Although Figure 5 of O'Link does show that the portion 20 is beneath the wearer's arms or armpits, it is not clear that the floatation material extends beneath the wearer's arms or armpits. Although admittedly unclear, it appears that the bib portion 2 in Figure 2 is thicker in front of the wearer's arms than beneath the arms. Furthermore referring to this section as a bib would not normally be interpreted as extending beneath the arms. Furthermore, since it is clear from Figure 4 that floatation material 18 extends from the rear beneath the wearer's arms, it would appear inconsistent for floatation material to also extend from the front. Not only would that appear unnecessary, but it would also appear inconsistent with the rest of

the O'Link disclosure because that would require two overlapping, and therefore thicker, layers of material beneath the wearer's arms. The added bulkiness would at least appear to be uncomfortable and therefore undesirable. Although the disclosure of O'Link appears incomplete and perhaps confusing on this point, the most logical interpretation is that O'Link does not disclose "floatation material extending beneath both side openings between the front portion of the enclosure and the rear portion of the enclosure" as required to support the rejection.

Since O'Link does not disclose a buoyant material, which would extend beneath a wearer's arms, it cannot be relied upon to support the rejections of Claims 1-8 or Claims 14-20. Furthermore, for the same reason O'Link cannot be relied to disclose "wings extending from opposite side edges of a trunk section adjacent the lower edge", and it cannot be relied upon to reject claims 9-13. Therefore all of the pending claims would be allowable over the art relied upon to support these rejections and the rejections should be withdrawn.

The O'Link shortcomings are not the only reason why the rejections should be withdrawn. Michalochick et al cannot be relied upon to teach a garment which can be put on over the wearer's head as for a tee shirt. The skirt 14 would necessitate a zipper in the front or back.

The references also cannot be relied upon to teach a device, which uses a one piece buoyant vest, which can be cut from a flat flexible buoyant material as required by claim 9. Only Michalochick et al discloses a one-piece member. The rounded and curved edges shown in Figures 3-5, however, clearly demonstrate that the Michalochick et al are only consistent with a buoyant member that is molded to shape and is not die cut. The necessity of a mold to fabricate the buoyant member would clearly add significant cost, especially up front cost necessary to construct a mold. All of the other references, with the exception of Cohn, relied upon to teach structures recited in Claim 9, but not found in Michalochick et al. are found in devices or garments that use multi-piece buoyant members, which would increase the cost of fabrication. Cohn merely discloses a belt, and its relevance, especially in the absence of the other references, is not understood. The secondary references relied upon to reject Claims 8-13 clearly teach that multi-piece

buoyant members must be employed, and do not suggest fabrication of a one-piece vest as recited in the pending claims.

The dependent claims also recite structures that are not found in the references relied upon to reject the independent claims. Examples of language defining additional structural limitations, which are absent from the references, are listed below.

Claim 4 – “free to shift”

Claim 5 – “surround the upper torso”

Claim 6 – “spaced apart on a wearer’s rear torso”

Claim 11 – “joined around the generally curved opening forming a neck opening”.

Claim 12 – “wings free to shift”

Claim 15 – “tee shirt configuration”

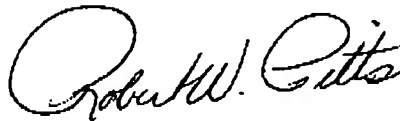
Claim 16 – “joined together around the upper openings and side openings”

Claim 20 – “extend from a wearer’s front torso to a wearer’s rear torso”.

The arguments submitted herein are believed sufficient to demonstrate that the rejection of the pending claims is inadequate and should therefore be withdrawn.

The pending claims are therefore believed to be allowable over the art of record, and the rejection should therefore be withdrawn. The application is believed to be in condition for allowance and issuance of a notice of allowance is therefore courteously solicited.

Respectfully Submitted:



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